

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

DOCKET NO. 3:11CR373-FDW

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	FIRST FINAL ORDER
v.)	AND JUDGMENT
)	CONFIRMING FORFEITURE
NASSER KAMAL ALQUZAH (10),)	
)	
Defendant.)	

THIS MATTER is before the Court on the government's motion for a final order and judgment confirming forfeiture in accordance with the Preliminary Order of Forfeiture (Nunc Pro Tunc) (Doc. 446) regarding defendant Alquzah (the "Preliminary Order"), as amended.

Based on the record and the materials submitted with the motion, the Court finds as follows:

1. On February 10, 2014, this Court entered the Preliminary Order pursuant to Rule 32.2(b) and 18 U.S.C. §§ 981 and 982, 21 U.S.C. ' 853(a) and (p), and 28 U.S.C. § 2461(c), based upon the defendant's conviction at trial on Counts One and Seven in the bill of indictment. The Court considered the trial evidence, the exhibits provided with the government's motion for the Preliminary Order, and the evidence presented at a hearing on January 30, 2014, including the stipulations of the parties and exhibits previously admitted at trial, and ordered the forfeiture of financial accounts and other assets, together with a forfeiture money judgment of \$8.4 million.
2. On April 29, 2014, the Court entered judgment as to the defendant (Doc. 482) and incorporated the Preliminary Order as to forfeiture.

3. On February 21, 2014, the government served direct notice of the Preliminary Order by certified mail on all known potential claimants, as set forth in the exhibits submitted with the motion. In addition, on February 27, 2014, through March 28, 2014, the government published via www.forfeiture.gov, notice of this forfeiture and of the intent of the government to dispose of the forfeited property according to law, and further notifying all third parties of their right to petition the Court within sixty days from February 27, 2014, for a hearing to adjudicate the validity of any alleged legal interest in the property. *See* Declaration of Publication filed April 15, 2014 (Doc. 472).

4. On March 14, 2014, three petitions were filed by third parties to contest assets listed in the Preliminary Order, as explained more fully below. *See* Petition of Amer Quzah (Doc. 462); Petition of May Hassounah (Doc. 463); Petition of Ali Alqaza (Doc. 464). Two of these petitions have been finally determined as to all of the listed assets, in part by settlement and in part by summary judgment. *See* Order (Alqaza) filed December 2, 2014 (Doc. 543) (settlement, with the additional consent of Quzah as to one asset); Orders (Hassounah) filed March 13, 2015 (Doc. 565) (summary judgment) and April 30, 2015 (Doc. 570) (settlement). By these orders, the Preliminary Order has been amended to account for the interests asserted by petitioners Ali Alqaza and May Hassounah.

5. In addition, the government has consented to relief based on the legal interests of two secured creditors, which have not filed petitions herein. The Court has ordered that relief, consisting of a full loan payoff following forfeiture, with a stipulated per diem amount, or allowing a right of foreclosure in the alternative. *See* Order filed April 4, 2014 (Doc. 468) (Bank of the Bluegrass); Order filed April 30, 2015 (Doc. 569) (CitiMortgage, Inc.).

6. Finally, the government moved to amend the Preliminary Order to delete one asset identified as “Subway 22598” in Mt. Pleasant, South Carolina, which had lost substantial value for several reasons and could not be sold. The Court granted the motion. *See* Order filed April 22, 2015 (Doc. 568).

7. The petition of Amer Quzah has not yet been adjudicated. However, the government is now filing this motion for a first final order of forfeiture. It is anticipated that a motion for a second final order will be filed after the Quzah petition has been adjudicated.

8. No other person has filed a petition within the time permitted by law to assert an interest in any of the assets listed below from the Preliminary Order.

It is therefore ORDERED that the Preliminary Order is confirmed to give the government clear title to the following assets:

Financial accounts.

1. First Federal Charleston xxxxxx8483, in the amount of \$1755.93.
2. First Federal Charleston xxxxxx1883 (funds transferred from xxxxx4886), less the sum of \$20,000 released to Petitioner Ali Alqaza, for a net forfeited amount of \$156,042.56.
...
5. First Federal Charleston xxxxxx8587, consisting \$3289.52 less the sum of \$1644.76, to be paid to Petitioner May Hassounah, for a net forfeited amount of \$1644.76.
6. Wells Fargo xxxxxxxxxx2464, in the amount of \$213.69.

The following real property.

1. 1609 Oakhurst Dr., Mt. Pleasant, South Carolina, as described in the Title to Real Estate recorded at Book T586, Pages 566-570, Charleston County; and subject only to the security interest of CitiMortgage, Inc., as provided in the Order filed herein on April 30, 2015 (Doc. 569). *See* Order (Doc. 571) at 2.

2. 337 Whitfield Dr., Lexington, Kentucky, as described in the Notice of Lis Pendens recorded at Book 575, Pages 675-677, office of the Fayette County Clerk of Court; and subject only to payment of one-third of the net sale proceeds following forfeiture to Petitioner May Hassounah. *See* Order (Doc. 571) at 3.


3. 1479 Boardwalk, Lexington, Kentucky, as described in the Notice of Lis Pendens recorded at Book 575, Pages 672-674, office of the Fayette County Clerk of Court; and subject to payment of one-third of the net sale proceeds following forfeiture to Petitioner May Hassounah, *see* Order (Doc. 571) at 3, and to the security interest of Bank of the Bluegrass and Trust Company, as provided in the Order filed on April 4, 2014 (Doc. 468).

4. Any surplus proceeds following foreclosure by Wells Fargo Bank, N.A., on 3724 Covenant Road, Columbia, South Carolina, as a substitute *res* for that property.

Financial accounts owned or controlled by defendant.

1. Bank of Bluegrass 95513.
2. Wells Fargo xxxxxxxxx8779. *See* Order (Doc. 571) at 2.

IT IS SO ORDERED.


Frank D. Whitney
Chief United States District Judge 